

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

**TIMBERLY KLOEPFER,** **3:10-CV-233-JE**

**Plaintiff,** **ORDER**

v.

**MICHAEL J. ASTRUE,**  
**Commissioner of Social**  
**Security,**

**Defendant.**

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**BROWN, Judge.**

Magistrate Judge John Jelderks issued Findings and Recommendation (#25) on June 8, 2011, in which he recommends this Court reverse the Commissioner's decision and remand this matter for the immediate calculation and award of benefits.

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, this Court is relieved of its obligation to review the record *de novo*. *Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9<sup>th</sup> Cir. 1983)(rev'd on other grounds). See also *Lorin Corp. v. Goto & Co.*, 700 F.2d 1202, 1206 (8<sup>th</sup> Cir. 1983). The Court has reviewed the legal principles *de novo* and adopts the Findings and Recommendation with the following minor modifications:

On page twelve of the Findings and Recommendation, the Court assumes the Magistrate Judge meant to conclude: "The Commissioner has [not] cited, and I have [not] found, [any] requirement that lay testimony be credited only if it is

bolstered by some sort of unidentified other 'objectively verifiable' evidence." On page thirteen of the Findings and Recommendation, the Court notes the citation to *Lester v. Chater* should be to the third volume of the Federal Reporter. 81 F.3d 821 (9<sup>th</sup> Cir. 1995).

**CONCLUSION**

The Court **ADOPTS as modified** Magistrate Judge Jelderks's Findings and Recommendation (#25). Accordingly, the Court **REVERSES** the decision of the Commissioner and **REMANDS** this matter to the Commissioner for the immediate calculation and award of benefits.

IT IS SO ORDERED.

DATED this 11th day of July, 2011.

/s/ Anna J. Brown

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ANNA J. BROWN  
United States District Judge